

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Jeffrey Weisen,

Civil File No.: _____

Plaintiff,

v.

**NOTICE OF REMOVAL TO
FEDERAL COURT**

Northern Tier Retail LLC d/b/a Speedway,

Defendant.

TO: The Clerk of the United States District Court for the District of Minnesota; and Plaintiff Jeffrey Weisen and his attorneys, Patrick W. Michenfelder and Chad A. Thondset, Thondset Michenfelder Law Office, LLC, One Central Avenue West, Suite 101, St. Michael, MN 55376.

Defendant Northern Tier Retail LLC d/b/a Speedway (“Speedway”), by and through its attorneys, Bassford Remele, P.A., removes this action from Minnesota District Court, Tenth Judicial District, Anoka County, to the United States District Court for the District of Minnesota pursuant to 28 U.S.C. §§ 1331, 1441, and 1446. In support of its Notice of Removal, Speedway states as follows:

I. Removal Procedure.

1. The removed action, captioned *Jeffrey Weisen v. Northern Tier Retail LLC d/b/a Speedway*, was commenced by the service of a Summons and Complaint on Speedway on August 25, 2020. A true and correct copy of the Summons and Complaint is attached hereto as **Exhibit A**.

2. On information and belief, Plaintiff has not yet filed his Complaint in State Court and, consequently, there is no state-court file number. On information and belief, **Exhibit A** constitutes all process, pleadings, and orders in this Action.

3. The Summons and Complaint identify the Tenth Judicial District Court (Anoka County) as the anticipated venue.

4. Under 28 U.S.C. § 1446(b), this Notice of Removal is filed within thirty (30) days of the first date upon which Speedway received notice of the pleadings setting forth the claim for relief upon which this removal is based.

5. A Notice of Filing of Removal and a copy of this Notice of Removal to Federal Court are being filed contemporaneously herewith in Minnesota District Court, Tenth Judicial District, Anoka County, as required by 28 U.S.C. § 1446(d) and copies of the same are being contemporaneously served upon Plaintiff as verified by the attached proof of service.

II. This Court Has Original Subject Matter Jurisdiction.

6. In the Complaint, Plaintiff pleads that he resides in the State of Minnesota. (Complaint at ¶ 17.) Plaintiff further alleges that the cause of action arose in Anoka County and the State of Minnesota. (*Id.* at ¶ 14.) Speedway is alleged to transact business in Minnesota, specifically at a location in Fridley, Minnesota, as it pertains to the allegations set forth in the Complaint. (*Id.* at ¶¶ 14, 19.)

7. This action may be removed to this Court from the Tenth Judicial District Court pursuant to 28 U.S.C. § 1441 because the District of Minnesota is the District embracing the place where the action was commenced.

8. In his Complaint, Plaintiff alleges violations of a federal statute, the American's With Disability Act, 42 U.S.C. § 12101, *et seq.*

9. This action is removable pursuant to 28 U.S.C. § 1441 because it is a civil action of which this Court has original jurisdiction (based on federal-question jurisdiction under 28 U.S.C. § 1331) and because Speedway is removing this action to the District Court of the United States for the district and division embracing the place where the action is currently pending.

10. This Court has original jurisdiction of this civil action pursuant to 28 U.S.C. § 1331 because the action constitutes a claim by Plaintiff for violations of a federal statute. (*See Exhibit A*, Complaint.)

11. Based on the foregoing, Speedway is entitled to remove this action to this Court under 28 U.S.C. § 1441, *et seq.*

WHEREFORE Defendant Northern Tier Retail LLC d/b/a Speedway removes this action from the Tenth Judicial District Court for the County of Anoka, State of Minnesota, and requests any further relief, general or specific, at law or in equity, to which it may be justly entitled.

[SIGNATURE BLOCK FOLLOWS]

BASSFORD REMELE
A Professional Association

Date: September 15, 2020

By: /s/ Daniel R. Olson

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